

From: Dean, Abigail
Sent: Monday, July 06, 2015 12:03 PM
To: Alex Moreno (PantherDI)
Cc: Andrew Levy
Subject: Panther Development Investments, LLC - Draft Consent Agreement
Attachments: Panther Cover Letter 7-6-2015.pdf; Panther Consent Agreement 7-6-2015.pdf

Importance: High

Follow Up Flag: Follow up

Flag Status: Flagged

Dear Mr. Moreno:

Please find attached a cover letter and a draft combined complaint and consent agreement (Consent Agreement) to address alleged violations of the federal Clean Water Act at the Black Eagle Estates and White Oaks Park construction sites in Mandaree, North Dakota.

After the initial review of this document completed by you and your attorney, Andrew Levy, the draft Consent Agreement was routed through EPA management for concurrence. Several changes were made to the original document to address formatting issues. You will also note that paragraph 5 was modified to explicitly address Respondent's waiver of judicial review under the Administrative Procedure Act, which provides for judicial review of final agency action. This modification makes the document more consistent with other consent agreements filed in Region 8.

Please review this draft Consent Agreement carefully and provide me with any comments or concerns as soon as possible. If we are unable to reach agreement on the terms of this action within fifteen (15) days from the date of this email, the EPA anticipates issuing a unilateral administrative complaint.

Alternatively, if you are satisfied with the terms of the Consent Agreement in its current form, **please print out, sign, and return the original by mail (to the address in the signature line below)**, which will be routed through EPA management for final approval and execution. In addition, **please acknowledge receipt of this email and the attachments described above via email as soon as possible**. As we have discussed, after the Consent Agreement is signed by both parties, it will be subject to a 30-day public comment period.

If you have any questions, please feel free to contact me at 303-312-6106. You may also contact Emilio Llamozas, Environmental Engineer, at 303-312-6407. We appreciate your cooperation in working to resolve this matter.

Thank you,
Abby

Abigail Dean, Attorney
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